

**Application Number:** 17/11231 Full Planning Permission

**Site:** Land of 1 PINE CLOSE, BARTON-ON-SEA,  
NEW MILTON, BH25 7NZ

**Development:** Detached bungalow; parking; access for existing dwelling

**Applicant:** AJ Developments

**Target Date:** 07/11/2017

**Extension Date:** 14/12/2017

**RECOMMENDATION:** Refuse

**Case Officer:** Vivienne Baxter

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Member view and contrary Town Council view in part.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

**Policies**

- CS1: Sustainable development principles
- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM3: Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 6 - Delivering a wide choice of high quality homes
- NPPF Ch. 7 - Requiring good design

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - New Milton Local Distinctiveness  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council - recommend refusal and would not accept a delegated approval. Lack of parking, back land development and loss of vegetation which will have a detrimental effect on the visual amenities of neighbours.

## **8 COUNCILLOR COMMENTS**

Cllr Beck - the proposal should be allowed to be consistent with development allowed in Western Avenue.

## **9 CONSULTEE COMMENTS**

9.1 Southern Gas Networks - offer advice

9.2 Hampshire County Council Highway Engineer - no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

10.1 Objections have been received from 7 local residents concerned with the following:

- site is too small/over development
- potential to harm the seclusion of rear gardens currently enjoyed
- concern over noise and disturbance during construction
- the close is too small to accommodate additional dwellings/traffic
- there are no dwellings opposite each other at present
- not in keeping with size of gardens in the area
- inadequate parking
- loss of privacy
- overbearing impact on adjoining gardens

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

c)

Based on the information provided at the time of this report this development has a CIL liability of £3,819.20.

Tables setting out all contributions are at the end of this report.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

Although there was no pre-application submission, the applicant was pro-active in altering the proposal to reflect a comment made in the briefing note. However, this alone is not considered sufficient to address all concerns.

## **14 ASSESSMENT**

14.1 The site lies within the built up area of Barton on Sea in a residential area. It currently contains a detached single storey dwelling situated to the east of the site with associated outbuildings and garaging to the west where the site is narrower. Aside from the vehicular and pedestrian accesses to the site, it is well screened from the street due to mature boundary hedging which is a positive feature of the street in this location. There are bungalows to the rear, east side and opposite the site. The proposal entails the subdivision of the plot and the provision of an additional bungalow to replace the structures to the west of the site.

- 14.2 While there is no presumption against new residential development in the built up area, consideration must be given to residential and visual amenity, along with access issues.
- 14.3 From a highways point of view, the proposed dwelling would have a new access close to the existing one and there are no objections to this in highway safety terms. The new access for the existing dwelling would require the relocation of a lamp post which would have to be undertaken at the applicant's expense. The Highway Authority has not provided any views as to where it should be placed. Although the Highway Authority have not raised any objections to the scheme, there are concerns from local residents with regard to the new access points in view of the constraints of the road which is relatively narrow and no.1 is the only property to the north side; all other dwellings have accesses on the other side of the road and there is concern in respect of conflict. However, this issue has not been raised as a concern by the Highway Authority and would not justify a reason for refusal.
- 14.4 Being single storey, the proposed dwelling is unlikely to adversely affect the residential amenity of adjoining properties. However, the proposal would leave the existing property with a reduced level of amenity due to the provision of two parking spaces in close proximity to a window lighting a habitable room. Both dwellings would have much smaller plots than the majority of dwellings in this area which would impact on the visual amenities of the area, as well as the residential amenities.
- 14.5 At present, the existing dwelling has a long garden to the side of the property and limited space to the rear. The provision of an additional property in this side garden area would result in two dwellings having relatively small side gardens and limited space to the rear, resulting in a cramped environment. In addition to this, the proposed dwelling would be much closer to the road than others, compounded by the removal of the boundary vegetation which is a locally distinctive feature in this Close. In addition, the provision of a close boarded fence along the front of the garden would have a negative impact on the visual amenities of the area.
- 14.6 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.
- 14.7 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent

the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.8 The proposal is considered to adversely affect the visual characteristics of the area through its proximity to the highway, the cramped size of the plot and provision of a close boarded fence along the boundary, coupled with a loss of amenity for the host dwelling.

14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£3,050		

### CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	56.7	13.3	43.4	43.4	£80/sqm	£3,819.20 *

Subtotal:	£3,819.20
Relief:	£0.00
Total Payable:	£3,819.20

\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

*Where:*

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1*

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposal would not contribute positively to local distinctiveness by virtue of the relatively cramped plots compared to others in the vicinity, its proximity to the road and provision of a close boarded fence along the road frontage which would have a negative impact on the character of the area. The provision of parking for the host dwelling, along with limited amenity space for both the proposed and host dwellings, would be unsympathetic to the residential amenities of the occupants. The proposal is therefore considered to be contrary to policy CS2 of the New Forest District Council Core Strategy and the New Milton Local Distinctiveness Document.

#### **Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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#### **Further Information:**

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# New Forest DISTRICT COUNCIL

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## Planning Development Control Committee

December 2017

Item No: 5a  
Land of 1 Pine Close  
Barton on Sea  
New Milton  
17/11231  
SZ2393

Scale 1:1250  
N.B. if printing this plan from the internet, it will not be to scale.



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